

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

CROSS ATLANTIC CAPITAL PARTNERS, INC., **CIVIL ACTION**
Plaintiff, **NO. 07-CV- 02768-JP**

v.

FACEBOOK, INC. and THEFACEBOOK, LLC, **ORAL ARGUMENT REQUESTED**
Defendants. **FACEBOOK MOTION NO. 3**

**DECLARATION OF MARK R. WEINSTEIN IN SUPPORT OF FACEBOOK'S
MOTION FOR SUMMARY JUDGMENT OF INVALIDITY**

I, Mark R. Weinstein, declare:

1. I am an attorney with White & Case LLP, counsel of record in this action for defendants Facebook, Inc. and Thefacebook, LLC (collectively "Facebook"). I make this declaration in support of Facebook's Motion for Summary Judgment of Invalidity. I have personal knowledge of the facts contained within this Declaration, and if called as a witness, could testify competently to the matters contained herein.

2. Attached hereto as **Exhibit A** is a true and correct copy of U.S. Patent No. 6,519,629.

3. Attached hereto as **Exhibit B** is a true and correct copy of U.S. Patent No. 6,223,177 entitled "Network Based Groupware System."

4. Attached hereto as **Exhibit C** is a true and correct copy of Canadian Patent No. 2 221 790 entitled "Network Based Groupware System."

5. Attached hereto as **Exhibit D** is a true and correct copy of U.S. Patent No. 6,750,881 entitled “User Definable On-line Co-User Lists.”

6. Attached hereto as **Exhibit E** is a true and correct copy of relevant pages of *AOL in a Nutshell: A Desktop Guide to America Online* (1998) by Curt Degenhart and Jen Muehlbauer, published by O’Reilly & Associates, Inc., bearing production numbers FCBK0104210, FCBK0104213, and FCBK0104256.

7. Attached hereto as **Exhibit F** is a true and correct copy of U.S. Patent No. 6,608,636 entitled “Server Based Virtual Conferencing.”

8. Attached hereto as **Exhibit G** is a true and correct copy of U.S. Patent No. 6,029,195 entitled “System for Customized Electronic Identification of Desirable Objects.”

9. Attached hereto as **Exhibit H** is a true and correct copy of the relevant pages of U.S. Patent Application Ser. No. 09/264,988, filed on September 15, 1998, which was obtained from the U.S. Patent and Trademark Office.

10. Attached hereto as **Exhibit I** is a true and correct copy of an electronic comparison between the content of U.S. Patent Application Ser. No. 09/264,988 (filed September 15, 1998) (*see* Exhibit H) and the content of the specification of U.S. Patent No. 6,519,629 (*see* Exhibit A), showing differences and commonalities between the two.

I declare under penalty of perjury that the foregoing is true and correct. Executed on June 20, 2008 in Palo Alto, California.

/s/

Mark R. Weinstein

CERTIFICATE OF SERVICE

This is to hereby certify that on this 20th day of June, 2008, I caused a true and correct copy of the foregoing document: Declaration of Mark R. Weinstein in Support of Facebook's Motion for Summary Judgment of Invalidity to be served *via* this Court's Electronic Filing ("ECF") System upon the following:

Frederick A. Tecce, Esq.
McShea/Tecce, P.C.
The Bell Atlantic Tower -- 28th Floor
1717 Arch Street
Philadelphia, PA 19103
ftecce@mcshea-tecce.com

Thomas J. Duffy, Esq.
Patrick J. Keenan, Esq.
Duffy & Keenan
One Liberty Place, 55th Floor
1650 Market Street
Philadelphia, PA 19103
pjk@duffykeen.com

Counsel for plaintiff
Cross Atlantic Capital Partners, Inc.

/s/ Heidi L. Keefe
Heidi L. Keefe